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JOSEPH R. ESQUIVEL, JR. OCT 21 2010 2 LORI ESQUIVEL 6940 Surrey Ct 3 Las Vegas, Nevada 89145 U.S. BANKRUPTCY COURT MARY A. SCHOTT, CLERK (702) 856-0609 4 **DEBTORS IN PROPER PERSON** 5 6 UNITED STATES BANKRUPTCY COURT 7 DISTRICT OF NEVADA 8) CASE No.: BK-S-09BK-29236-BAM 9 In RE:) Date: 5/25/2010 10 JOSEPH R.ESQUIVEL, JR. and LORI ESQUIVEL, 11) Chapter 7 12 Debtors 13

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NOTICE OF IMPROPER SERVICE

On September 26, 2010 in US BANKRUPTCY Court. The honorable Bruce Markell ordered that any response in opposition be in delivered to the Esquivel's by 5:00p.m. on Oct 19th 2010

Pursuant to the Nevada Rules of Civil Procedure

RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Service: When Required. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4.

[As amended; effective September 27, 1971.]

(b) Same: How Made.

- (1) Whenever under these rules service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless the court orders that service be made upon the party.
 - (2) Service under this rule is made by:
- (iii) if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion residing there.
- (B) Mailing a copy to the attorney or the party at his or her last known address. Service by mail is complete on mailing; provided, however, a motion, answer or other document constituting the initial appearance of a party must also, if served by mail, be filed within the time allowed for service; and provided further, that after such initial appearance, service by mail be made only by mailing from a point within the State of Nevada.
- Joseph and Lori Esquivel waited until 5:30 p.m. Oct 19, 2010 at their residence to be served by Wilde and Assoc. and upon non response by Wilde & Associates the Esquivel's left for the evening. It was not until late Wednesday afternoon when Joseph Esquivel checked the mailbox for mail that he noticed that there was a copy of the pleadings. There was no notice of service, label or any other document letting the Esquivel's know that they had been served.
- The Esquivel's received a copy of the Certificate of Service from a friend who had an PACER account on Thursday afternoon Oct 21, 2010
- Plaintiff requests this Court void the pleadings as they were not served in a timely manner as per ordered by the court and not served according to Nevada Rules of Civil Procedure Rule 5 and any relief the court deems just.

Dated: This 21st day of October, in the year of Our Lord, 2010.

Joseph R Esquivel Jr, pro per

Signed reserving all my rights at UCC 1-308

WILDE & ASSOCIATES 1 Gregory L. Wilde, Esq. Nevada Bar No. 004417 212 South Jones Boulevard Las Vegas, Nevada 89107 Telephone: 702 258-8200 Fax: 702 258-8787 bk@wildelaw.com. MARK S. BOSCO, ESQ. Arizona Bar No. 010167 TIFFANY & BOSCO, P.A. 2525 East Camelback Road, Suite 300 Phoenix, Arizona 85016 Telephone: (602) 255-6000 10 09-77956 : 1 12 13 In Re: 1.4 Joseph R. Esquivel, Jr. and Lori Esquivel, 15 16 1/

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BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

BK-S-09-29326-bam

Chapter 7

Date: October 26, 2010

Time: 1:30 p.m.

CERTIFICATE OF SERVICE OF OBJECTION TO MOTION FOR CHANGING SECURED CREDITOR STATUS TO UNSECURED CREDITOR STATUS

1. On October, 19, 2010, at 6:00 pm, the following documents were served:

Debtors.

OBJECTION TO MOTION FOR CHANGING SECURED CREDITOR STATUS TO UNSECURED CREDITOR STATUS

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I personally delivered the documents, by leaving a copy in the mailbox of: Joseph R. Esquivel, Jr. and Lori Esquivel 6940 Surrey Ct Las Vegas, NV 89145 **Debtors** I declare under penalty of perjury that the foregoing is true and correct. DATED this 20 day of October . 2010. WILDE & ASSOCIATES GREGORY L. WILDE, ESQ. Attorney for Secured Creditor

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DEBTOR

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JOSEPH R. ESQUIVEL, JR.

LORI ESQUIVEL
6940 Surrey Ct.

Las Vegas, Nevada 89145
(702) 856-0609

DEBTORS IN PROPER PERSON

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US. BAB ACCIOY COURT
MARY A. SCHOTT, CLERK

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

BAC HOME LOANS SERVICING, L.P. fka COUNTYWIDE HOME LOANS)
SERVICING, L.P.,) CASE No.: BK-S-09BK-29326-BAM
) Date: 10/26/2010
) Time: 2:30 p.m.
VS.)
) Chapter 7
JOSEPH R. ESQUIVEL, JR. and)
LORI ESQUIVEL)
)
)
)

RECEIPT OF COPY

	nd NOTICE OF IMPROPER SERVICE is hereby
acknowledged this $2/\mathcal{F}$ day of _	October, 20
	MM
	EMPLOYEE OF WILDE & ASSOCIATES